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Attorneys for Defendants/Counter-Claimants

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

**GOTT BROTHERS DEVELOPMENT, )  
LLC, a limited liability company )**

**Plaintiff,**

**vs.**

**JEAN NICHOLSON and DEAN )  
NICHOLSON, individually and as Trustees )  
of the DEAN AND JEAN T. NICHOLSON )  
FAMILY TRUST; VIRGINIA TOOGOOD, )  
individually and as the Trustee of the )  
VIRGINIA TOOGOOD FAMILY TRUST, )  
COMPRISING VIRGINIA T. TOOGOOD )  
AND DOES 1-20, INCLUSIVE, )**

**Defendants.**

**Case No. CV 09-00807 PJH**

**STIPULATION AND ~~PROPOSED~~  
ORDER EXCUSING PARTIES FROM  
PERSONAL APPEARANCE AT  
SETTLEMENT CONFERENCE**

**Judge: Hon. Phyllis J. Hamilton**

**MSC Judge: Hon. Donna M. Ryu  
Date: January 9, 2012**

**Time: 11:00 a.m.**

**STIPULATION**

Jean and Dean Nicholson and Virginia Toogood, by and through their attorney of record, Patrick McGovern, and Gott Brothers Development, LLC, Joel Gott and Duncan Gott, by and through their attorney of record, James Rose, hereby state and stipulate as follows.

Request having been made in writing by Counsel for Defendants/Counter-Complainants Dean and Jean Nicholson excusing them from personally appearing at the Settlement Conference on January 9, 2012, and good cause appearing therefore,

**IT IS HEREBY STIPULATED**

1. That Defendants/Counter-Complainants Dean and Jean Nicholson are excused from personally appearing at the Settlement Conference on January 9, 2012;

2. That said parties shall be personally represented at the Settlement Conference on that date by their son, Bob Nicholson, who shall have full authority to settle the matter on their behalf;

3. That said parties will be available for consultation by telephone, if necessary, for the duration of the Settlement Conference.

**IT IS SO STIPULATED.**

Dated: January 5, 2012

THE LAW OFFICES OF JAMES R. ROSE

/s/ James R. Rose

JAMES R. ROSE, Counsel for Plaintiffs and Cross-Defendants

Dated: January 5, 2012

/s/ Patrick McGovern

PATRICK MCGOVERN, Counsel for Defendants and Cross-Complainants

**ORDER**

The parties having so stipulated and good cause appearing therefore,

**IT IS ORDERED**

1. That Defendants/Counter-Complainants Dean and Jean Nicholson are excused from personally appearing at the Settlement Conference on January 9, 2012;

2. That said parties shall be personally represented at the Settlement Conference on that date by their son, Bob Nicholson, who shall have full authority to settle the matter on their behalf;

1           3. That said parties will be available for consultation by telephone, if necessary, for the  
2 duration of the Settlement Conference.

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4                                 5  
Dated: \_January \_\_, 2012\_\_\_\_\_

A handwritten signature in blue ink, appearing to read "Donna", written over a horizontal line.

HONORABLE DONNA M. RYU